

IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF  
VIRGINIA  
ROANOKE DIVISION

In re: AMBER N. REED § Case No. 24-70089  
§  
§  
Debtor(s) § Chapter 13

## **MOTION TO EXAMINE PURSUANT TO RULE 2004**

## NOTICE OF HEARING

**TAKE NOTICE:** Notice is hereby given that a HEARING WILL BE HELD ON THE TRUSTEE'S MOTION TO EXAMINE PURSUANT TO 2004 on August 5, 2024 at 11:00 a.m., or as soon thereafter as the parties may be heard before the Honorable Paul M. Black in the U.S. District Courtroom, 210 Church Avenue, SW, Room 200, Roanoke, VA 24011. If you wish to be heard, you must attend.

NOW COMES THE TRUSTEE, pursuant to Fed. R. Bankr. P. 2004, praying this Court as follows:

Under Rule 2004(a), the Court may order the examination of any entity.

1. The Debtor filed her Petition under Chapter 13 on February 7, 2024.
2. On her Amended Statement of Financial Affairs, the Debtor listed under No. 18 that she sold her father's home she inherited located at 1144 Dry Creek Road in Goodview, VA for 24095 for \$115,000.00.
3. However, upon information and belief, the Trustee believes that based on county real estate records the sale of the property may have yielded \$156,000.00.
4. The Debtor listed an ownership interest in her principal residence located at 811 Finney Dr., Vinton, Virginia with two encumbrances: a mortgage in favor of Provident Funding Associates in the amount of \$105,152.31 dated April 8, 2022 and a Home Equity Line of Credit in favor of Department of Commerce Credit Union for \$106,000.00 also dated April 2022.
5. The Debtor's position is she used the proceeds from the HELOC to make repairs on her father's home she inherited and to make the ongoing mortgage payments on her father's home.
6. The Debtor was able to provide an accounting for some, but not all of the HELOC proceeds, including a \$6,800.00 transfer to her son for the downpayment of a truck.

7. An Amended Statement of Financial Affairs states the Debtor provided her son, Trevor Reed with a \$6,800.00 down payment for his truck in May 2022.
8. However, Claim No. 8 on the Court's Register in favor of Freedom First Federal Credit for a 2018 Toyota Tacoma shows only a \$3,500.00 downpayment.
9. The Trustee seeks to examine the Debtor pursuant to Bankruptcy Rule 2004 to investigate the sale of her father's home and to determine how the proceeds of the HELOC were expended.

**WHEREFORE, THE CHAPTER 13 TRUSTEE PRAYS THIS HONORABLE COURT THAT:**

An order be entered compelling the Debtor to submit to examination within thirty days of an order thereof pursuant to Fed. R. Bank. P. 2004.

**OFFICE OF THE CHAPTER 13 TRUSTEE  
CHRISTOPHER T. MICALE, TRUSTEE**

By: /s/Rachel E. Jones  
RACHEL E. JONES  
VSB 74117  
*Staff Attorney for the Office  
of the Chapter 13 Trustee*  
15 Salem Ave.  
ROANOKE, VA 24005-1001  
(540) 342-3774 (PH)  
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**CERTIFICATE OF SERVICE**

The Undersigned hereby certifies that on July 11, 2024, she uploaded a true and exact copy of the foregoing Motion to Examine Debtor Pursuant to Rule 2004 to the Court's Electronic Case Filing System, notice of which shall be sent by operation of the Court's Electronic filing receipt to all parties entitled to receive notice electronically, including, Counsel for the Debtors. A copy of said Motion has also been served by United States Mail, Return Receipt Requested, addressed as follows:

Amber Reed  
811 Finney Drive  
Vinton, VA 24179

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/s/Rachel E. Jones